The Para Procession and obstruction to non-caste Hindus.

Mr. M. K. RAMAN.

138. (a) Are the Government aware that, while the *Para* processions proceed from Ernakulam and Pallivirutti temples through the public roads of Ernakulam and Mattancheri, the Police authorities accompanying such processions drive away from such roads all non-caste Hindus on the ground that the procession would be polluted?

(b) Have the Government received any complaint and resolutions passed in public protest meetings regarding the high-handed acts of the Police in Mattancheri in connection with the recent *Para* procession? If so, what action did the Government take in the matter?

(c) Is such compulsory removal of non-caste Hindus from public roads on the occasion of the *Para* processions authorised by any orders of the Government? If so, will the Government let the Council know their reasons for doing so?

Mr. P. DAMODARA MENON.

(a) According to the time-honoured religious custom non-caste Hindus are required to keep at a certain distance when such religious processions pass along public roads so as to prevent pollution of the deity, and the maintenance of peace is the most important duty of the Police men on bundobust duty during the procession.

(b) Yes. At the time they were received, the case against the Police was *sub-judice*. It has since been disposed of, and the matter is now under enquiry by the Police Commissioner.

(c) No. It has the sanction of immemorial usage.

Mr. M. K. RAMAN.

Answer to sub-division (a) is that there is a time-honoured religious custom that non-caste Hindus are required to keep at a distance when such religious processions pass along, etc. Are the Police men accompanying the processions detailed for duty for the purpose of seeing that no breach of peace takes place or for the purpose of seeing that the deity is not polluted?

PRESIDENT.

The Police bundobust is for the maintenance of peace and order as well as to see that the deity is not polluted during the procession.

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Mr. M. K. RAMAN.

The answer will show that it is not for that purpose. Is it to prevent a breach of the peace or to see that the procession is not polluted?

PRESIDENT.

Policemen are always on the spot.

Mr. M. K. RAMAN.

This is an answer to show that they have a combined function, although it is not expressly stated.

PRESIDENT.

It does not give room for thinking that the Policemen are engaged on any other duty.

Mr. M. K. RAMAN.

The answer will show that the most important duty there is to prevent a breach of the peace.

PRESIDENT.

But there is a minor function also assigned to the Policemen, namely, the preservation of the purity of the procession.

Mr. M. K. RAMAN.

The necessity for the intervention of the Police is not stated in the first part of the answer.

PRESIDENT.

Of course, we are referring to certain religious customs, and it may arise whether the Policemen have also got a duty to see to the observance of a time-honoured religious usage.

Mr. M. K. RAMAN.

That is exactly what I want. My doubt is only whether the Policemen are sent there for the purpose of preventing a breach of the peace and for the purpose of preserving law and order or to see that the procession is not polluted.

PRESIDENT.

Mr. Abdul Qadir will be able to tell us something about that.

Mr. SHEIK ABDUL QADIR SAHIB BAHADUR.

If the deity is polluted, the sentiments of the caste-Hindus will be wounded. The result will be a breach of the peace. It is not to prevent pollution but to prevent any breach of the peace between the two communities that the Police are detailed for such duty.

PRESIDENT.

So that the Police are entrusted with the duty of seeing that this time-honoured religious usage is also observed.

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Mr. M. K. RAMAN.

There are instances in which the deity may be polluted, and at the same time there is no breach of the peace.

Mr. SHEIK ABDUL QADIR SAHIB BAHADUR.

If a breach of the peace is not apprehended, we do not interfere. It is only when there is an apprehension of a breach of the peace that we interfere.

PRESIDENT.

In consequence of pollution a breach of peace may occur, and the religious feelings of the people may run high. If there is nothing of that sort, the Police have nothing to do. That seems to be the right view.

Mr. M. K. RAMAN.

What I want to know is whether the Policemen who are sent there are entrusted with the duty of preserving the purity of the deity or to see that a breach of the peace does not occur.

PRESIDENT.

A breach of the peace is a thing which happens from any cause. Suppose two fellows in a procession fight together on the road. That is a breach of the peace. The Police will at once intervene. Suppose the procession is polluted on that account, a breach of the peace may occur.

Mr. M. K. RAMAN.

That is why I submitted that there may be instances in which a procession is ceremonially polluted, and at the same time the breach of the peace may not happen.

PRESIDENT.

The Police are there to preserve order Is it not so Mr. Abdul Qadir?

Mr. SHEIK ABDUL QADIR SAHIB BAHADUR.

Yes, Sir. They don't care whether pollution takes place or not. If by pollution anything happens, they have to interfere.

Mr. M. K. RAMAN.

Am I to understand that the Policemen are only to prevent a breach of the peace, and that they have nothing to do with pollution?

Mr. SHEIK ABDUL QADIR SAHIB BAHADUR,

Yes, Sir.

Mr. M. K. RAMAN.

The answer to sub-division (c) is that the Government have not authorised it by any orders. There are no orders of the Government authorising it.

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PRESIDENT.

But it has the sanction of immemorial usage.

Mr. M. K. RAMAN.

My question is whether there is any Government order authorising the compulsory removal of non-caste Hindus on the occasion of the *Para* procession, and there is the answer that it has the sanction of immemorial usage.

PRESIDENT.

There is no Government order.

Mr. M. K. RAMAN.

In the absence of any specific order, how is it possible for the Government to do so?

PRESIDENT.

But it has the sanction of immemorial usage.

Mr. M. K. RAMAN.

My doubt is whether such compulsory removal of non-caste Hindus is authorised by Government in any other way, if not by an order?

PRESIDENT.

Your point is with regard to orders written or oral?

Mr. M. K. RAMAN.

Of course, I want to know whether it is written or oral. I want the Government to inform this House whether there are any orders of the Government.

PRESIDENT.

No orders.

Mr. M. K. RAMAN.

My supplementary question is: "Do the Government authorise it in any other way?"

PRESIDENT.

It must be enforced on account of its being an immemorial usage. There are no specific orders of the Government on the subject, because it has been a thing of immemorial usage observed from time immemorial, and the Government have impliedly authorised it.

Mr. M. K. RAMAN.

That is what I want to know. Otherwise, this immemorial usage is a thing which has been sanctioned.

PRESIDENT.

Custom has the force of law. Any and every custom may not be recognised. One of the essential conditions is that it must be reasonable.

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Mr. M. K. RAMAN.

Is this a reasonable custom?

PRESIDENT.

These are nice considerations of law. It seems that there is no order to prohibit these things, but at the same time it implies that it can be done, and the Government reasoning is that it was sanctioned by immemorial usage, so that, practically, the Government has sanctioned it.

Mr. M. K. RAMAN.

My doubt is with regard to the word "no" in the answer of the Government.. What I want to know is whether Government has in any way authorised this act. Immemorial usage may have allowed it, but whether the Government have authorised it is not clear.

PRESIDENT.

Because it is such an immemorial usage, Government has sanctioned it.

A List of Superannuated Officers on or above Rs. 25.

Mr. K. T. MATHEW.

139. Will the Government be pleased to lay on the table a list containing the names of all officers who are now fifty-five years of age or above, drawing a salary of Rs. 25 or more per mensem, stating in each case the present salary?

Mr. P. DAMODARA MENON.

The following is a list of such officers:—

Officers.	*Present pay.* Rs.
1. Diwan Bahadur Dr. V. Verghese, the Chief Medical and Sanitary Officer	800
2. Mr. V. R. Venkateswara Ayyar, Principal, Maharaja's College.	500 *plus* 200 allowance
3. Mr. C. Sankunni Menon, Central Records Superintendent.	75
4. Mr. T. V. Rama Ayyar, Kariakkar, Trippunittura Devaswam.	50
5. Mr. W. C. Joseph, Manager, Ernakulam Municipal Council.	5
6. Mr. C. K. Harihara Ayyar, Manager, Mattancheri Municipal Council.	75

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